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EXAMINER

LEHNER, WILLIAM P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2671

DATE MAILED: 09/29/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,512

Applicant(s)

SAFADI ET AL.

Examiner

William P Lehner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 13, 29, 31, 35, 38, 39, 41, 42, and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsunoda (2002/0167503).

3. In regard to claims 1, 31, 35, 41, 42, and 44, Tsunoda's apparatus is a GUI (page 3, paragraph 3). A sub-picture, or child picture, is selected to become the main picture (abstract). The selected child picture is enlarged and displayed adjacent to the unselected pictures. The unselected pictures do not contain any image data of the enlarged picture (FIGS 6A-6E).

4. In regard to claim 13, note how in FIGS A-E the remaining portion is not obscured by the enlarged image.

5. In regard to claim 29, note the memories 8-1 to 8-4 that store video data (page 2 paragraph 31). These four memory locations correspond to the four independent video sources (page 2, paragraph 24), or independent images. Note the display control unit or the CPU (page 3, paragraph 41), which are processors that retrieve memory. The

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control unit reconfigures, enlarges, and displays based on the display format and the picture layout (page 2, paragraph 30).

6. In regard to claim 38, note the equal sized selectable images (FIG 6A, Port 0 and Port 2).

7. In regard to claim 39, note the enlarged main image (FIG 6A, Port 3).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-5, 14-18, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda (2002/0167503) in view of Mathews (6025837).

10. In regard to claim 2, Tsunoda does not have hidden supplemental data, but does describe the use of an EPG (page 2, paragraph 29). Mathews teaches that supplementary information may be correlated with programs in an EPG server (column 8, lines 11-13), because this displays relevant information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Tsunoda to display supplementary information as taught by Mathews because this displays relevant information.

11. In regard to claim 14, note the above rejections to claims 1 and 2.

12. In regard to claim 15, note the above rejections to claim 1.

13. In regard to claims 3, 16, and 32, Tsunoda stores each image in its own memory (see above rejection to claim 29), but does not store supplemental information.

Mathews stores supplemental information in a local cache or a server because this reduces the load on the network or improves performance of the user interface units (column 7, lines 31-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsunoda to store supplementary information as taught by Mathews because this allows relevant information to be displayed.

14. In regard to claims 4, 17, and 33, note the above rejections to claim 29.

15. In regard to claims 5, 18, and 34, Tsunoda does not have supplemental data.

Mathews teaches that data field 58 is searched for supplement content, the content is correlated with programming, and the supplemental content is displayed (column 7, lines 22-30), because this allows relevant information to be displayed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsunoda to search, correlate, and display supplementary information as taught by Mathews because this allows relevant information to be displayed.

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16. Claims 6-11, 19-28, 36, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda (2002/0167503) in view of Mathews (6025837), in further view of Killian (6163316), and in further view of Rodriguez (20030005453).

17. In regard to claims 6, 19, and 22, Tsunoda implements steps (a) – (d), but Tsunoda and Mathews do not offer to sell features to the subscribers. Killian teaches that an EPG may download applets and applications to allow viewers to select viewing opportunities more intelligently (column 6, lines 49-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsunoda and Mathews to download applications as taught by Killian because this allows viewers to select viewing opportunities more intelligently.

18. Tsunoda, Mathews, and Killian do not offer to sell features to subscribers. Rodriguez teaches that a service provider can offer services for users to download after they have accepted the offer (FIG 28 and page 2, paragraph 36) because this allows the service provider to make more money. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsunoda, Mathews, and Killian to allow users to buy features from service providers as taught by Rodriguez because this allows service providers to make more money.

19. In regard to claims 7, 11, 27, and 28, Tsunoda has a remote control to interact with the user (FIG 1B, element 16).

20. In regard to claim 8, Tsunoda teaches that steps (a) – (c) can be preformed after commands are input, but Tsunoda, Mathews, and Killian do not have a mouse.

Rodriguez teaches that a mouse may be used to interact with the user, and that keys or

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buttons correspond to commands to the processor (page 6, paragraph 65). Commands can be assigned to any key or button. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsunoda and Killian to include a mouse, and to assign the commands of steps (a) – (c) to any of the buttons on this mouse as taught by Rodriguez because this allows user to interact in more ways.

21. In regard to claims 9, 20, 25, 36, and 37, note Tsunoda's EPG information (page 2, paragraph 29).

22. In regard to claims 10, 21, and 26, Tsunoda, Mathews, and Killian do not have an MSO, server, or set-top box. Rodriguez teaches MSOs (page 1, paragraph 3), set-top box or DHCT (page 1, paragraph 2), communication between servers and DHCT (FIG 3, elements 319, 328, 325, 322, and 16) and communication between DHCT and a television (FIG 4, elements 16, 441, and 480) because this allows televisions to access data from the servers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsunoda, Mathews, and Killian to include MSO servers, set-top boxes, and communication as taught by Rodriguez because this allows televisions to access data from servers.

23. In regard to claim 23, note the above rejections to claim 1.

24. In regard to claim 24, note the above rejections to claims 1 and 2.

25. Claims 12 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsunoda (2002/0167503) in view of Poston (09/830472). Tsunoda does not have floating plane. Poston teaches a movable magnifying panel (abstract, FIG 1 and FIG 2) because this selects an area for enlargement. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tsunoda to have a flying magnifier as taught by Poston because it selects an image for enlargement.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P Lehner whose telephone number is 703-305-0682. The examiner can normally be reached on 8:30 - 5 M-F.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

28. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

WPL



MARK ZIMMERMAN
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